

Superintendent of Public Instruction's Recommendations of  
Amendments to ARM Chapter 55  
Standards of Accreditation

The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

10.55.601 ACCREDITATION STANDARDS: PROCEDURES (1) The Board of Public Education adopts standards of accreditation upon the recommendation of the ~~State~~ Superintendent of Public Instruction.

(2) The ~~board~~ Board of Public Education and the ~~Office~~ Superintendent of Public Instruction establish procedures and schedules for reviewing the accreditation status of each school.

(3) To ensure continuous education improvement, the school district and each of its schools shall develop, implement, and evaluate, ~~and revise a five-year comprehensive education~~ continuous school improvement plans, and make the plans publically available. These plans shall be reviewed on a yearly basis to reflect a continuous improvement process.

(a) ~~This~~ Each plan shall include:

(i) a school district level education profile ~~as described in guidance provided periodically by the Office of Public Instruction;~~

(ii) the school district's educational goals ~~in accordance with~~ pursuant to the requirements of ARM 10.55.701;

(iii) a description of planned progress toward implementing all content, ~~performance~~, and program area standards, in accordance with the schedule in ARM 10.55.603;

(iv) a description of strategies for assessing student progress toward meeting all content ~~and performance~~ standards, ~~in accordance with~~ pursuant to the requirements of ARM 10.55.603 and ARM 10.56.101 Student Assessment; and

(v) a professional development component, in accordance with ARM 10.55.714.

(b) ~~By May 1, 2003, the district~~ The local board of trustees shall file report and submit their adopted ~~five-year comprehensive education~~ continuous school improvement plan with the ~~Office~~ Superintendent of Public Instruction ~~and make their plan available to employees and the public.~~

(c) The ~~Office~~ Superintendent of Public Instruction shall develop and implement procedures necessary to monitor and evaluate the effectiveness of the implementation of the continuous improvement plan of each school district's ~~comprehensive education and its schools~~ plan.

~~(4) To ensure continuous educational improvement and to meet the identified needs of students in every school, every school in the district shall develop and have on file in the district office a comprehensive education plan.~~

(4) To ensure continuous educational improvement, the ~~Office~~ Superintendent of Public Instruction shall provide guidance, resources, and evaluation to assist in the implementation of district and school plans to improve teaching and learning for all students.

~~(6) School districts are required to maintain present programs that meet current standards until such standards are superseded. The content and performance standards will supersede model learner goals according to the following schedule:~~

- ~~(a) Reading -- November 1998;~~
- ~~(b) Mathematics -- November 1998;~~
- ~~(c) Science -- October 1999;~~
- ~~(d) Technology -- October 1999;~~
- ~~(e) Health enhancement -- October 1999;~~
- ~~(f) Communication arts aligned to the reading content and performance standards -- October 1999;~~
- ~~(g) World languages -- October 1999;~~
- ~~(h) Social studies -- October 2000;~~
- ~~(i) Arts -- October 2000;~~
- ~~(j) Library media -- October 2000;~~
- ~~(k) Workplace competencies -- October 2000;~~
- ~~(l) Vocational/technical education -- October 2001.~~
- ~~(7) On or before July 1, 2004, a school district shall align its curriculum to the state content and performance standards and program area standards as adopted by the Board of Public Education. A school district shall maintain programs to align with the state's schedule for revising standards.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.602 DEFINITIONS For the purposes of this chapter, the following terms apply:

(1) "Accreditation" means certification by the Board of Public Education that a school meets the adopted standards of the Board of Public Education for a specified school year.

(4) (2) "Assessment" means the gathering, organizing, and evaluation of information about student learning in order to monitor and measure the effectiveness of the instructional program.

(2) (3) "Asynchronous" means not occurring at the same time. "Asynchronous" refers to content, instruction, and communication between participants (i.e.g., students and teachers) that occurs at different times, the period of which may vary by circumstance, (e.g., e-mail, threaded discussions, homework, message boards).

(4) "Assurance standards" mean the minimal standards of a quality education program comprised of the following subchapters:

(a) Subchapter 6, General Provisions, ARM 10-55-601 through (NEW RULE I);

(b) Subchapter 7, School Leadership, ARM 10.55.701 through (NEW RULE II);

(c) Subchapter 8, Academic Requirements, ARM 10.55.801 through 10.55.805;

(d) Subchapter 9, Educational Opportunity, ARM 10.55.901 through

10.55.910; and

(e) Subchapter 10, Program Area Standards, ARM 10.55.1001 through 10.55.1003.

(5) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation, 20-1-101(4), MCA.

~~(3) "Benchmark" means expectations for a student's knowledge, skills, and abilities along a developmental continuum in each content area. That continuum is focused at three points: the end of grade 4, the end of grade 8, and upon graduation (grade 12).~~

~~(4) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of an approved teacher, administrator, or specialist program of an accredited college/university. Certification includes grade level(s), endorsement(s), and classification.~~

(5) "Class 8 License" means an educator license as defined in ARM 10.57.102.

~~(5) (6) "Combined elementary-high school district" means an elementary district and a high school district, which are combined into a single school system for district administration purposes. This may include school systems formed under governing joint boards of trustees depending on the programs and services agreed to by the participating local boards of trustees, including districts designated as "K-12 districts" pursuant to 20-6-701, MCA. Most town school districts in Montana would fit this category, i.e., Helena, Hamilton, Whitehall.~~

~~(6) (7) "Content standard" means what all students should know, understand and be able to do in a specific content area, such as reading, mathematics, or social studies.~~

( ) "Corrective Plan" means a systematic procedure and timeline for resolving deviations from regular accreditation status.

~~(7) (8) "Deviation" means a citation of non-compliance with any given standard.~~

(9) "Digital content provider" means an entity, organization, or individual registered pursuant to ARM 10.55.907 offering K-12 educational content for distance, online, and technology delivered programs and courses.

~~(8) (10) "Distance learning" means instruction in which students and teachers are separated by time and/or location with synchronous or asynchronous content, instruction, and communication between student and teacher (e.g., correspondence courses, online learning, videoconferencing, streaming video). This instruction may consist of learning opportunities provided through online (Internet based) and other technologies.~~

(11) "Dual enrollment/dual credit" means opportunities for high school students to be enrolled in high school and postsecondary courses at the same time. There are three categories of such opportunities.

(a) College credit only – students receive college credit for courses taken from a postsecondary institution but do not receive high school credit. Students may or may not be taking these courses during the school day.

(b) Dual credit – students receive both college credit and high school credit for courses taken from a postsecondary institution. Students may or may not be

taking these courses during the school day. The faculty member must have an appropriate K-12 license and endorsement in the subject taught or a Class 8 License.

(c) Concurrent enrollment – the district offers these courses during the school day and they are taught by district high school faculty who have been approved by the postsecondary institution to teach these college level courses. Students receive both high school and college credit for the course completed.

(9) (12) "Endorsement" means an official indication on a license of the subject area(s) and/or specialized program area(s) for which the holder of the license is authorized to practice in Montana accredited schools.

(13) "Facilitator" means the individual assigned to monitor distance, online, and technology delivered learning programs pursuant to ARM 10.55.907. The facilitator may be an instructional paraprofessional as long as there is a licensed teacher providing the instruction.

(40) (14) "Independent elementary school district" means a district organized for the purpose of providing public education for all or any combination of grades kindergarten through 8.

(15) "Indian Education for All" means the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage. Implementation of these requirements ensures:

(a) every Montanan, Indian or non-Indian, is encouraged to learn about the distinct heritage and contributions of Montana tribal groups and governments in a culturally responsive manner; and

(b) every educational agency shall work cooperatively with Montana tribes to provide means by which school personnel will gain an understanding of and appreciation for American Indian people. 20-1-501, MCA.

(16) "Instructional Paraprofessional" means school or district personnel whose positions are instructional in nature and who work under the direct supervision of licensed school personnel. The supervising licensed school personnel are responsible for:

(a) the design, implementation, and assessment of learner progress; and

(b) the evaluation of the effectiveness of learning programs and related services for children.

(17) "Intensive assistance" means a required process for schools in continuous or serious deficiency accreditation status. Such schools have failed to develop or implement an approved corrective plan to remedy accreditation deviations within the designated timeline.

(18) "Internship" means an agreement among a fully licensed Class 1, 2, or 3 educator, the school district, and a Montana educator preparation program accredited by the Board of Public Education as provided in NEW RULE I (10.55.607).

(19) "K-12 district" means an elementary district, with the same district boundaries as a high school district that has been attached to that high school district. The high school district remains an organized district and the elementary district an inactive district pursuant to 20-6-701(1) and (2), MCA.

(20) "Learning progression" means the specific performance expectations in each content area at each grade level from kindergarten through grade 12.

(21) "Licensure" means certification of an educator/specialist as issued by the state of Montana, based on completion of an approved educator preparation program. Licensure indicates grade level(s), endorsement(s), and classification.

(22) "Literacy" means learning to read, write, speak, listen and use language effectively.

(11) "Part-time" means not less than six hours in a school week.

(12) "Performance standard" means the specific expectations for performance in each content area at each of the three benchmarks. Performance standards define the quality of performance and describe the performance to be demonstrated.

( ) "Middle grades" means grades 4 through 9.

(23) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be conducted during the school fiscal year in accordance with 20-1-301, MCA and includes passing time between classes. Minimum aggregate hours does not include lunch time and periods of unstructured recess, 20-1-101, MCA.

(24) "Misassignment" means a licensed teacher teaching outside his or her endorsed teaching area(s) and/or level (elementary K-8 or secondary 5-12).

(25) "Non-accredited status" means a school designated in deficiency by failing to meet the requirements of intensive assistance and out of compliance with the Board of Public Education standards of accreditation.

(26) "Non-licensed" means a person who does not hold a current Montana educator license, except for a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111, MCA.

(27) "Principal means a person who holds a valid Montana class 3 educator license with an applicable principal endorsement and who is employed by a district as a principal, or who is enrolled in a Board of Public Education approved principal internship program under (NEW RULE I).

(13) (28) "Program area standards" means the subject matter Montana school districts are required to offer and the strategies and proven practices used to instruct. The program area standards include: ~~communication~~ English language arts, arts, health enhancement, mathematics, science, social studies, career and vocational/technical education, technology, workplace competencies, library media, world languages, and school counseling.

(14) (29) "Program delivery standards" means the conditions, ~~and~~ practices and resources school districts are required to provide for all ~~ensuring that every~~ students to have ~~is afforded~~ educational opportunities to learn, develop and demonstrate learning to achievement in content and performance standards ~~and~~ content specific grade-level learning progressions.

(30) "Pupil instruction day" means a school day when organized instruction is conducted with students under the supervision of a licensed educator.

(31) "Pupil instruction-related (PIR) day" means days of teacher activities devoted to improving the quality of instruction. The activities may include but are not limited to in-service training, attending state meetings of teacher organizations, and conducting parent conferences.

~~(15)~~ (32) "Online learning" means education activity in which instruction and content are delivered primarily via the internet and through emerging technologies. Online learning is a form of distance learning.

(33) "School" means, for accreditation purposes, an educational program and grade assignments designated by the local board of trustees in one of the categories:

(a) an elementary school, which offers any combination of kindergarten through eighth grade;

(b) a seventh and eighth grade school, which offers the basic education program for grades 7 and 8 that may be funded at the high school rate pursuant to 20-9-396, MCA;

(c) a junior high, which offers the basic education program for grades 7 through 9;

(d) a middle school, which offers the educational programs for grades 4 through 8 or any combination thereof; and

(e) a high school, which offers the educational programs for grades 9 through 12, or grades 10 through 12 when operating in conjunction with a junior high school.

~~(16)~~ (34) "School administrator" means a person who is a part of the school's administrative or supervisory staff and who holds a class 3 license and is appropriately endorsed, or who is enrolled in a Board of Public Education approved administrator internship program under ARM 10.55.702 through 10.55.705 (NEW RULE I).

(35) "School district" means the territory, regardless of county boundaries, organized under the provisions of Title 20, MCA to provide public educational services under the jurisdiction of the local board of trustees. A high school district may encompass all or parts of the territory of one or more elementary districts. A school district may also exist as the result of the formation of a joint board of trustees as provided by 20-3-361, MCA.

(36) "School system" means the administrative unit of a district or combination of districts. In Montana, types of school systems are as follows:

(a) a "combined elementary-high school district" is an elementary district and a high school district which are combined into a single school system for district administration purposes. This may include school systems formed under the statute governing joint boards of trustees depending on the programs and services agreed to by the participating local boards of trustees.

(b) an "independent high school district" is a district organized for the purposes of providing public education for all or any combination of grades 9 through 12; and

(c) an "independent elementary school district is a district organized for the purpose of providing public education for all or any combination of grades kindergarten through grade 8.

(37) "Specialist" means a person with a Class 6 License in a non-teaching role of school psychologist or school counselor.

(38) "Student performance standards" means the minimal standards of a quality education, which measures student performance on annual state level summative assessments and graduation rates used to determine the accreditation status of a school.

(39) "Superintendent" means a person who holds a valid Montana Class 3 educator license, with an applicable superintendent's endorsement and who is employed by a district as a district superintendent, or who is enrolled in a Board of Public Education approved superintendent internship program under (NEW RULE 1).

(47) (40) "Synchronous" means occurring at the same time. "Synchronous" refers to content, instruction, and communication between participants (i.e.g., students and teachers) that occurs at the same time even though they may be in different physical locations. For example, instruction in which students and teachers are online at the same time so that a question can be immediately answered (e.g., telephone calls, face-to-face meetings, physical classrooms, chat rooms, and videoconferencing).

(41) "Teacher" means a person, except a district superintendent, who holds a valid Montana educator license issued by the Superintendent of Public Instruction under the policies adopted by the Board of Public Education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111, MCA. 20-1-101, MCA.

(48) (42) "Technology delivered learning" means instruction and content delivered via digital technologies (e.g., online, CD-ROM, DVD-ROM, or learning experiences that involve primarily the use of computers).

(43) "Variance to standard" means an alternate approach to meeting or exceeding the minimum standards.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.603 CURRICULUM AND ASSESSMENT (1) Local school districts shall incorporate ensure their curriculum is aligned to all content and performance standards and the appropriate learning progression for each grade level into their curriculum, implementing them sequentially and developmentally.

(2) School districts shall maintain their programs consistent with the state's schedule for revising standards.

(3) School districts shall assess the progress of all students toward achieving content and performance standards and content specific grade-level learning progressions in all each program areas. The district shall use Assessment results of all students, including state-level achievement information obtained by administration of assessments pursuant to ARM 10.56.101, shall be used to examine the educational program and measure its effectiveness based on the content and performance standards.

(a) The examination of program effectiveness using assessment results shall be supplemented with information about graduates and other students no longer in attendance.

(b) The information obtained shall be considered in curriculum and assessment development.

(2) (4) For content and performance standards in all program areas in

~~accordance with~~ pursuant to the requirements of ARM 10.55.602(8), school districts shall:

(a) establish curriculum and assessment development processes as a cooperative effort of personnel ~~certified~~ licensed and endorsed in the program area and trustees, administrators, other teachers, students, specialists, parents, community and, when appropriate, tribal representatives and state resource people;

(b) review curricula at ~~intervals not exceeding~~ least every five years or consistent with the state's standards revision schedule, and modify as needed to meet educational goals of the ~~five-year comprehensive education~~ continuous school improvement plan in accordance with pursuant to ARM 10.55.601;

(c) review materials and resources necessary for implementation of the curriculum and assessment at least every five years or consistent with the state's standards revision schedule, ~~review and select materials and resources necessary for implementation of the curriculum and assessment~~ that are consistent with the goals of the ~~five-year comprehensive education~~ continuous school improvement plan; and

(d) review curricula and instructional materials and resources to ensure the inclusion of the distinct and unique cultural heritage, and contemporary portrayal of the American Indians.

~~(3)~~ (5) The school district shall develop and implement its assessment plan used to measure student progress ensuring alignment to the local curriculum in all program areas.

~~(a) School district~~ The assessment plans shall be included in the ~~comprehensive education~~ continuous school improvement plan and be in place within two years following the development of local curriculum.

~~(a)~~ (b) School districts shall use ~~effective and~~ appropriate multiple measures and methods, including state-level achievement information obtained by administration of assessments pursuant to the requirements of ARM 10.56.101 to assess student progress in achieving content and performance standards and content specific grade-level learning progressions in all program areas.

~~(b)~~ (c) ~~Utilizing input from representatives of accredited schools, the Office~~ The Superintendent of Public Instruction shall develop criteria and procedures for the selection of ~~effective and~~ appropriate multiple measures and methods to be used to assess student progress in ~~reading and mathematics in grades 4, 8 and 11~~ achieving content and appropriate content specific grade level learning progressions in all program areas.

~~(c)~~ (d) ~~The Office~~ Superintendent of Public Instruction shall provide technical assistance to districts to meet the criteria and procedures in (3)(b).

~~(d)~~ Not later than the school year immediately following the completion of written sequential curricula aligned with the content and performance standards in a program area in accordance with ARM 10.55.601(6), the ~~begin the development of a student assessment process for that program area. The assessment process must be in place two years following the development of written curriculum.~~

~~(4)~~ In addition to the school-by-school reporting of norm-referenced testing results in accordance with ARM 10.56.101, districts shall annually report to the Office of Public Instruction the school level results of measures for the standards that are not adequately assessed by the norm-referenced tests in reading and



mathematics at grades 4, 8 and 11.

~~(a) Utilizing input from representatives of accredited schools, the Office of Public Instruction will identify the additional standards in reading and mathematics that are to be assessed with other measures.~~

~~(b) The measures used to report to the Office of Public Instruction shall be included within the district assessment plan in accordance with ARM 10.55.601.~~

~~(c) The criteria and procedures set forth in (3)(b) shall be used by the Office of Public Instruction in an approval process to assure the quality of the other measures that will be used to assess and report progress in reading and mathematics at grades 4, 8 and 11.~~

AUTH: 20-2-114, 20-2-121, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.604 VARIANCES TO STANDARDS (1) A school-district local board of trustees may apply to the Board of Public Education through the Superintendent of Public Instruction to implement an alternative a variance to a standard or a section of standards, excluding standards stating statutory criteria, standards pertaining to teacher educator licensure or endorsement, and content and performance standards as defined by the Board of Public Education and provided in guidance from the Superintendent of Public Instruction.

~~(a) In its application, the school-district local board of trustees shall provide evidence establishing describe how and why its proposed variance to standards would be that its alternative is workable, and educationally sound, and designed to meet or exceed results under established standards and, where applicable aligned with program in comparison to the intent of the standard(s) that would be waived, and shall establish that the goals of the alternative will meet or exceed the results under the current standard(s) ARM 10.55.1101 through 10.55.1901.~~

~~(b) In its application, the school district shall submit a statement of mission and objectives, and identify formative and summative measures to be used to evaluate the effectiveness of the alternative.~~

~~(c) (b) Upon appropriate application, the Board of Public Education shall approve or deny the proposed alternative. An application for variance to standards is due in writing to the Superintendent of Public Instruction no later than the first Monday in March or the first Monday in July.~~

~~(d) (c) If the board denies the proposed alternative, it shall state in writing why it has done so. The Superintendent of Public Instruction shall refer applications to a review board appointed and facilitated by the Superintendent. The review board shall provide its recommendations to the Superintendent.~~

~~(e) (d) If the board approves the proposed alternative, its initial approval shall be for two years. The Superintendent of Public Instruction shall provide the Board of Public Education with a recommendation for approval, modification or rejection of the review board's recommendation.~~

~~(f) (e) During the second year of the initial approval, the Board of Public Education, through the Office of Public Instruction, shall direct an on-site evaluation of the alternative.~~

~~(g) If the board finds the alternative is workable and educationally sound in~~

~~comparison to how the waived standard(s) previously worked in the district, the board shall renew the alternative for five years.~~

~~(h) Subject to on-site evaluations every five years, the board may continue to renew the alternative.~~

~~(i) A school district may discontinue an approved alternative at any time. If it does so, it shall promptly notify the Board of Public Education in writing.~~

(2) The Board of Public Education shall approve or deny proposed variances to standards.

(3) If the Board of Public Education approves a proposed variance to standards, it shall initially do so for no more than two years pending ongoing review of the implementation by the Superintendent of Public Instruction.

(4) Following the second year of implementation of a variance to standards, the school district shall provide evidence to the Superintendent of Public Instruction that the methods selected by the district to implement, meet or exceed results that could have been achieved under established standards.

(5) If the Superintendent of Public Instruction finds the variance is workable and educationally sound, the Superintendent shall report findings and recommend continued approval to the Board of Public Education.

(6) If the Board of Public Education concurs with the Superintendent's recommendation, it may renew the variance for no more than three years.

(7) The Board of Public Education may subsequently renew the variance for up to three year intervals provided the district continues to show how the variance meets or exceeds established standards.

(8) If the Superintendent of Public Instruction finds the alternative is not working as intended or does not meet or exceed results that could be achieved under established standards, the Superintendent shall recommend to the Board of Public Education that the variance be revoked.

(9) If the Board of Public Education accepts the Superintendent's recommendation to revoke a variance, the board's decision is final.

(10) A school district may discontinue an approved variance at any time. If it does so, it shall promptly notify the Superintendent of Public Instruction in writing.

~~(2)~~ (11) A school district may apply to the Board of Public Education through the Superintendent of Public Instruction to create a charter school.

(a) A charter school must provide an education that meets or exceeds the requirements of the Montana Constitution, state law, and school accreditation standards.

(b) The Board of Public Education may only grant charters to publicly funded schools or programs under the supervision and control of a locally elected board of trustees in an existing school district.

(c) The procedure by which a school district may apply to create a charter school and by which the Board of Public Education may approve, deny, evaluate, and renew a charter school shall be identical to that outlined in ARM 10.55.604.

(d) To be proposed by a school district and approved by the Board of Public Education, a charter school shall, at a minimum, guarantee the following:

- (i) school district governance and control;
- (ii) unrestricted, open student access;
- (iii) compliance with all health and safety laws;

(iv) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;

(v) employee collective bargaining to the same extent as required or provided by state law; and

(vi) a plan for consideration of input by community members and staff as to formation and implementation issues. Consideration of input may be identified by formation of advisory committees involving staff and/or community members, conduct of a properly noticed public meeting for purposes of comment on the formation or operation of the charter school, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest to the public regarding the formation or operation of the charter school.

(e) A school district may discontinue an approved charter school at any time. If it does so, it shall promptly notify the Board of Public Education in writing.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.605 CATEGORIES OF ACCREDITATION (1) Regular accreditation means the school has: met the assurance standards and student performance standards as defined in ARM 10.55.606 and the Montana School Accreditation and Procedures Manual (2005).

~~(a) its program aligned to the content and performance standards and program area standards;~~

~~(b) certified staff that is appropriately assigned, and fully utilized;~~

~~(c) school programs and resources that are adequate;~~

~~(d) facilities that meet appropriate standards; and~~

~~(e) school trustees, staff, parents, and community that work together to provide a quality education.~~

~~(2) When the school meets the regular~~ Regular accreditation standards with minor deviations, ~~these deviations are noted on the annual accreditation status letter as minor citations when considering the school program in its entirety~~ means the school does not meet a required number of standards as defined in the Montana School Accreditation and Procedures Manual (2005), when considering the school program in its entirety.

~~(3) Accreditation with advice means the school exhibits serious and/or numerous deviations from the standards. The school must submit an improvement corrective plan developed by trustees, administrators, teachers, parents, and the community, to the Office of Public Instruction.~~

~~(4) Deficiency a~~ Accreditation with assistance deficiency means that the school ~~has been~~ is on advice status for at least two years, ~~has not complied with the required corrective plan,~~ and continues to have serious and/or numerous deviations, or has substantially increased the seriousness of deviations over the previous year.

~~(b) (5) For a district with a school on advice or deficiency status~~ The school district administrator and the chair of the local board of trustees will ~~shall~~ submit and/or come before the Board of Public Education with an improvement plan and a systematic procedure for correcting the deviations noted. ~~The Office to the~~

Superintendent of Public Instruction will facilitate assistance to enable the school to accomplish the goals of the improvement plan and to correct the deviations a corrective plan, including a systematic procedure and timeline for resolving the deviations noted.

- ~~(a) (6)~~ A school will be immediately accredited with deficiency if:
  - ~~(i) (a)~~ the school employs as a teacher ~~an individual~~ who does not have a Montana teaching ~~certificate~~ license; ~~or~~
  - ~~(ii) (b)~~ the school has a facility that creates an unhealthy environment with safety and health hazards; ~~or~~ and
  - ~~(iii) the school provides an inadequate learning environment.~~
- (c) a school with deficiency status failing to comply with the required corrective plan shall be placed into the Intensive Assistance process as defined in the Montana School Accreditation and Procedures Manual (2005).
- ~~(5) (7)~~ Nonaccredited status means that a school on deficiency status fails to document that it has met its improvement plan meet the requirements of Intensive Assistance and is out of compliance with the Board of Public Education standards of accreditation.
- ~~(6) (8)~~ A school seeking initial accreditation or reinstatement of accreditation shall meet the requirements of regular accreditation outlined in (1). This process shall include an on-site review from the Office of Public Instruction.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

#### 10.55.606 PERFORMANCE-BASED ACCREDITATION PROCESS

- ~~(1) Performance-based accreditation gives a school district the option of obtaining, for one or more of its schools, accreditation through a process that involves self-evaluation, peer-review and on-site visitations. This method allows a school to meet accreditation standards by showing through its students' work that it provides a quality education. The school improvement plan serves as a basis for assessment of school effectiveness and an impetus for mobilizing improvement efforts. The categories of accreditation of a school shall be determined by using two sets of standards: assurance standards and student performance standards.~~
- (2) Assurance standards are comprised of the following subchapters:
  - (a) Subchapter 6, General Provisions, ARM 10.55.601 through (NEW RULE I);
  - (b) Subchapter 7, School Leadership, ARM 10.55.701 through (NEW RULE II);
  - (c) Subchapter 8, Academic Requirements, ARM 10.55.801 through 10.55.805;
  - (d) (Subchapter 9, Educational Opportunity, ARM 10.55.901 through 10.55.910; and
  - (e) Subchapter 10, Program Area Standards, ARM 10.55.1001 through 10.55.1003;
- (3) Student performance standards are comprised of student performance measures for each grade as follows:

(a) Math and reading average scale score range for all students grades 3-8 and 10 and science average scale score range for all students grades 4, 8 and 10:

(i) Level 1 = 300-250;

(ii) Level 2 = 249-220;

(iii) Level 3 = 219-210;

(iv) Level 4 = 209-200; and

(b) For high schools, graduate rate range:

(i) Level 1 = 100.0%-75.0%;

(ii) Level 2 = 74.9%-60.0%;

(iii) Level 3 = 59.9%-55.0%;

(iv) Level 4 = 54.9%-0.0%.

~~(2) After engaging in a sustained school improvement effort, a school district, on behalf of one or more of its schools, may apply to the Superintendent of Public Instruction for performance-based accreditation. The Board of Public Education makes the final decision on whether a school is accredited through the performance-based accreditation process. The school improvement process shall incorporate the following six steps or their equivalent:~~

~~(a) development of a student/community profile;~~

~~(b) development of a school mission and goals that reflect a locally derived philosophy of education;~~

~~(c) identification of desired learner results based on the content and performance standards;~~

~~(d) analysis of instructional and organizational effectiveness;~~

~~(e) development and implementation of a school improvement plan; and~~

~~(f) monitoring through self-assessment and visits by peers or teams.~~

~~(3) To be granted performance-based accreditation, a school must: (a) engage in a continuous schoolwide improvement process;~~

~~(b) host at least two visitations, chaired by a person trained or experienced in the process to seek feedback and validate the school improvement process;~~

~~(c) notify the Superintendent of Public Instruction of the visitation dates and team members. A member of the staff of the Office of Public Instruction shall be invited to be a member of the visitation team;~~

~~(d) submit reports of the visitation to the Superintendent of Public Instruction; and~~

~~(e) apply to the Superintendent of Public Instruction for performance-based accreditation by providing documentation of school improvement, including, but not limited to:~~

~~(i) visitation reports;~~

~~(ii) a school improvement plan;~~

~~(iii) evidence of attainment or significant progress toward attainment of the school improvement plan goals; and~~

~~(iv) a recommendation from the visitation team that the Board of Public Education grant performance-based accreditation.~~

~~(4) After a review in which the school demonstrates successful attainment or significant progress toward achieving the desired learner results, the school may be granted performance-based accreditation for up to six years. The school is subject to peer or team reviews at least every three years. The review shall establish that:~~

~~(a) the integrity of the school improvement process is maintained;~~  
~~(b) the school is making informed, data-driven decisions;~~  
~~(c) the process is school-based;~~  
~~(d) all steps of the school improvement process are connected and inform one another;~~  
~~(e) committees work collaboratively within and among one another;~~  
~~(f) the school implements each step appropriately; and~~  
~~(g) students learning is central to the entire process, with improvement demonstrated in desired learner results, based on content and performance standards.~~

~~(5) A school district, on behalf of one or more of its accredited schools electing this process, may petition the Superintendent of Public Instruction to recommend that the Board of Public Education waive existing standards that interfere with the school improvement plan, excluding standards stating a statutory requirement, standards pertaining to teacher certification and content and performance standards as defined by the Board of Public Education.~~

(4) For schools with any combination of grades K-2, only the assurance standards will be used to determine accreditation status.

(5) There shall be four levels for assurance standards and student performance standards used to determine accreditation status, as described in the Montana School Accreditation Manual (2005). The highest level is 1 and the lower level is 4.

(6) A school shall be classified as regularly accredited by using the combined results of the assurance standards and student performance standards as follows:

(a) all level 1 for assurance standards and no lower than all level 2 for student performance standards; or

(b) no lower than level 2 for all assurance standards and all level 1 for student performance standards.

(7) A school shall be classified as regularly accredited with minor deviation by using the combined results of the assurance standards and student performance standards with no lower than level 2 in any category in either set of standards.

(8) A school shall be classified as accredited with advice by using the combined results of the assurance standards and student performance standards with no lower than level 3 in any category in either set of standards.

(9) A school shall be classified as accredited with deficiency by using the combined results of the assurance standards and student performance standards with any level 4 in any category in either set of standards.

NEW RULE I (10.55.607) INTERNSHIPS (1) Internships are defined in ARM 10.55.602 and are permitted in endorsement areas of teaching, principal, and superintendent.

(2) As part of an internship agreement, the parties must agree to the following:

(a) the intern will complete the requirements for the appropriate endorsement within three years;

(b) the school district will provide local supervision and support of the intern; and

(c) the accredited educator preparation program will approve the coursework and provide support and periodic supervision.

(3) If entering into internship agreements, the accredited Montana educator preparation program must report each enrolled intern to the Superintendent of Public Instruction no later than November 15 of each year.

(4) For each intern a district desires to have deemed appropriately assigned, the school district must report, at the beginning of years two and three of each internship agreement, the intern's yearly progress toward completion of the program of study to the Superintendent during the annual data collection.

(5) An intern may be considered appropriately assigned for up to three years while enrolled in and making progress toward completion of an accredited Montana educator preparation program. Extension may be granted at the discretion of the Superintendent of Public Instruction as authorized in ARM 10.57.109. Requests for extension must be requested by the intern and supported by the accredited educator preparation program and the school district. A request for extension must demonstrate evidence of extreme hardship or other circumstances beyond the control of the intern which prevented timely completion of the agreed upon plan of study.

(6) If an intern fails to show sufficient and satisfactory annual progress in the plan of study toward completion of an accredited Montana educator preparation program, the Superintendent of Public Instruction may consider that intern inappropriately assigned.

(7) An emergency authorization of employed granted by the Superintendent of Public Instruction pursuant to 20-4-111, MCA is not a license; it is granted to a district which, under emergency conditions, cannot secure the services of an appropriately licensed and endorsed teacher or principal. A person authorized under 20-4-111, MCA is not eligible for an internship.

10.55.701 BOARD OF TRUSTEES (1) The local board of trustees shall ensure that the school district complies with all local, state, and federal laws and regulations.

~~(2) The board of trustees shall provide in each school building at least one copy of the accreditation standards for staff and public review.~~

~~(3) Each school district shall have in writing and~~ make available to the staff and public:

~~(a) a comprehensive philosophy of education;~~

~~(b) goals that reflect the district's philosophy~~ strategic plan of education;

~~(c) sequential curricula~~ curriculum for each program area that aligns to the content and performance standards, and the district's educational goals specific grade level learning progressions, and program area standards;

~~(d) (c) policies establishing student assessment procedures that ensure evaluation of the school's curricula~~ district's curriculum and student learning. These procedures shall specify how and when data are to be collected, analyzed, and reported;

~~(e) (d) policies that delineate the responsibilities of the local board of trustees,~~ superintendent, and personnel employed by the school district. The local

board of trustees shall review these policies on a regular basis and make them available to employees and the public;

~~(f)~~ (e) a policy on student, parent, and school employee due process rights;

~~(g)~~ (f) a policy ~~that is designed to addressing~~ bullying, intimidation, and harassment of students and school personnel prevention and meeting the requirements in (NEW RULE II);

~~(h)~~ (g) an equity policy;

~~(i)~~ (h) a transfer policy for determining the appropriate placement of incoming students;

~~(j)~~ (i) an academic freedom policy;

~~(k)~~ (j) a materials selection policy, including a challenge procedure, for all curricular and support materials;

~~(l)~~ (k) a copyright policy;

~~(m)~~ (l) a policy that defines the use of school facilities and resources;

~~(n)~~ (m) a parent involvement policy ~~that encourages~~ comprehensive family engagement policy aligned to meet the following goals:

~~(i)~~ regular, two-way and meaningful communication between home and school families actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;

~~(ii)~~ promotion and support of parenting skills families and school staff engage in regular, two-way meaningful communication about student learning.;

~~(iii)~~ that parents play an integral role in assisting student learning families and school staff continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;

~~(iv)~~ that parents are welcome in the school, and that their support and assistance are sought families are empowered to be advocates for their own and other children, to ensure that students are treated equitably, and have access to learning opportunities that will support their success;

~~(v)~~ parents as full partners in the decisions that affect children and families families and school staff partner in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and

~~(vi)~~ community resources be used to strengthen schools, families, and student learning families and school staff collaborate with m members to connect students, families, and staff to expand learning opportunities, community services, and civic participation;

~~(o)~~ (n) a policy that incorporates incorporating the distinct and unique cultural heritage of American Indians, ensuring integration of the history and contemporary portrayals of Indians, and that is aligned with district educational goals and;

~~(p)~~ (o) a policy addressing distance, online, and technology delivered learning as defined in ARM 10.55.602;

(p) a policy that defines a significant writing program; and

(q) a policy that addresses student health issues that arise in the school setting.



~~(4)~~ (3) The local board of trustees shall have valid, written contracts with all regularly employed ~~certified~~ licensed administrative, supervisory, and teaching personnel.

~~(5)~~ (4) The local board of trustees shall have written policies and procedures for regular and periodic evaluation of all regularly employed ~~certified administrative, supervisory, and teaching~~ personnel. The individual evaluated shall have access to a written copy of the evaluation instrument, the opportunity to respond in writing to the completed evaluation, and access to his/her files. Personnel files shall be confidential.

(a) The evaluation system for licensed teachers used by a school district shall include an assessment of the extent to which the teacher:

(i) understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences;

(ii) uses understanding of individual differences and diverse cultures and communities, including American Indians and tribes in Montana, to ensure inclusive environments that enable each learner to meet high standards;

(iii) works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self-motivation;

(iv) understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make the discipline accessible and meaningful for learners to assure mastery of the content;

(v) understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues;

(vi) understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making;

(vii) plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context;

(viii) understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways;

(ix) engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly in the effects of his/her choices and actions on others (learners, families, other professionals and the community), and adapts practice to meet the needs of each learner;

(x) seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession; and

(xi) demonstrates understanding of and ability to integrate history, cultural heritage, and contemporary status of American Indians and tribes in Montana.

(b) The evaluation system for licensed administrators used by a school

district shall include an assessment of the extent to which the administrator:

(i) facilitates the development, articulation, implementation, and stewardship of a school or district vision of teaching and learning supported by the school community in order to promote the success of all students;

(ii) promotes a positive school culture, provides an effective instructional program, applies best practice to student learning, and designs comprehensive professional growth plans for staff in order to promote the success of all students;

(iii) manages the organization, operations, and resources in a way that promotes a safe, efficient, and effective learning environment in order to promote the success of all students;

(iv) collaborates with faculty, families, and other community members, responds to diverse community interests and needs, including American Indian communities in Montana, and mobilizes community resources in order to promote the success of all students;

(v) acts with integrity, fairness, and in an ethical manner in order to promote the success of all students; and

(vi) understands, responds to, and ethically influences the larger political, social, economic, legal, and cultural context in order to promote the success of all students.

~~(6)~~ (5) The local board of trustees shall:

~~(a) establish conditions that contribute to a positive school climate and morale by encouraging cooperative and harmonious relationships among the staff members, students, parents, and community. which:~~

~~(i) keep parents/guardians up to date on students' progress;~~

~~(ii) engage in a continuous school improvement process; and~~

~~(iii) establish mentoring and induction programs to assist licensed staff in meeting teaching standards as defined in ARM 10.55.701(4)(a) and (b).~~

~~(7) To enhance a positive learning environment, the board of trustees shall:~~

~~(a) establish a system to keep parents/guardians up to date on students' progress; and~~

~~(b) use technology and equipment to facilitate management and instruction.~~

~~(8) To ensure continuous education improvement, the district shall engage in a continuous school improvement process.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.702 LICENSURE AND DUTIES OF DISTRICT ADMINISTRATOR - DISTRICT SUPERINTENDENT (1) The district superintendent shall be:

(a) appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or

(b) considered appropriately assigned if the superintendent is enrolled in a Board of Public Education approved administrator/district superintendent an internship program as defined below: in ARM 10.55.602 and meets the requirements of (NEW RULE I).

~~(i) the intern must be enrolled in an approved administrator/district superintendent training program with the state of Montana;~~

- ~~(ii) the intern must have completed the principal endorsement requirements or be simultaneously enrolled in an administrator/principal internship program;~~
- ~~(iii) the intern must file an application with the Board of Public Education prior to placement within the local school districts in the state of Montana; and~~
- ~~(iv) at each assigned school district, the intern must annually receive an on-site visit by an appointed faculty member of the approved internship program.~~

(2) A superintendent intern shall be supervised throughout the year by a licensed and endorsed superintendent contracted by the district, including participation in, and review of, and written concurrence in all performance evaluations of licensed staff completed by the intern;

~~(2) In cases where the intern is the only administrator hired by the district, the district shall contract with a properly licensed and endorsed administrator for annual and periodic supervision of the practice of the intern throughout the school year. Such supervision shall include participation in, review of, and written concurrence in all performance evaluations of licensed staff completed by the intern.~~

~~(3) The district superintendent shall perform administrative duties in accordance with 20-4-402, MCA.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

#### 10.55.703 LICENSURE AND DUTIES OF SCHOOL PRINCIPAL

~~(1) The school principal shall:~~

~~(a) be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or~~

~~(b) be considered appropriately assigned if the principal is enrolled in an internship as defined in ARM 10.55.602 and meets the requirements of (NEW RULE I). Board of Public Education approved administrator/principal internship program as defined below:~~

(2) Supervision of the principal intern shall be provided throughout the year by the district superintendent, county superintendent, or in the absence of either, a licensed and endorsed superintendent contracted by the district. Such supervision shall include participation in, and review of, and written concurrence in all performance evaluations of licensed staff completed by the intern.

(3) The principal shall carry out the district's policies and procedures, provide instructional leadership, and be responsible for the effective day-to-day operation of the school, including the management of finances, materials, and human resources.

~~(i) the intern must be enrolled in an approved administrator/principal training program within the state of Montana;~~

~~(ii) the intern must file an application with the Board of Public Education prior to placement within a school district in the state of Montana;~~

~~(iii) at each assigned school, the intern must annually receive an on-site visit by an appointed faculty member of the approved internship program;~~

~~(iv) at each assigned school, the intern shall receive an appropriate level of supervision by a properly licensed and endorsed administrator hired by the district. Such supervision shall include participation in, review of, and written concurrence in all performance evaluations of licensed staff completed by the intern. In cases~~

~~where the intern is the only administrator hired by the district, the district shall contract with a properly licensed and endorsed administrator for annual and periodic supervision of the practice of the intern throughout the school year.~~

~~(c) have a license endorsed at the level assigned as a principal, except where one individual serves as the single administrator for the entire district under ARM 10.55.705(1)(a) or (b), where the superintendent may hold either a high school or elementary principal endorsement. No individual may be assigned a total of more than 100% full-time equivalent (FTE);~~

~~(d) consider ways to:~~

~~(i) provide instructional leadership;~~

~~(ii) exercise vision in defining and accomplishing the school's mission;~~

~~(iii) encourage teachers to have high expectations for student achievement;~~

~~(iv) stress the importance of parents' and students' roles in academic success;~~

~~(e) involve staff and others in decision making and in setting, accomplishing, and assessing educational goals;~~

~~(f) carry out the district's policies and procedures;~~

~~(g) be responsible for the effective day-to-day operation of the school, including the management of finances, materials, and human resources.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.704 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF DISTRICT SUPERINTENDENTS (1) ~~A district superintendent for a combined elementary-high school district or a county high school district or an independent elementary school district~~ The assignment of licensed superintendents for all configurations of school systems shall be based upon full-time equivalency (FTE) and shall be assigned as follows:

~~(a) full or part-time district superintendent and at least a half-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b) shall be employed for an independent elementary district with fewer than 18 full-time equivalent (FTE) licensed staff, or the district shall utilize the services of the county superintendent to fulfill the duties of the district superintendent. One individual may serve as both district superintendent and part-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b). A superintendent serving under this subsection shall devote full time to administration and supervision not to exceed a total assignment of 100% FTE. school systems with 14 or fewer FTE licensed staff and without a licensed superintendent employed may use a supervising teacher and the services of the office of the county superintendent to satisfy administrator requirements;~~

~~(b) A full or part-time district superintendent and at least a half-time school administrator/principal shall be employed for a combined elementary-high school district or a county high school district with fewer than 30 FTE licensed staff. A full or part-time district superintendent and at least a half-time school administrator/principal shall be employed for an independent elementary district with more than 18 but fewer than 30 FTE licensed staff. One administrator may serve as both superintendent and part-time school administrator/principal as defined in ARM~~

~~10.55.705 (1)(a) or (b). A superintendent serving under this subsection shall devote full time to administration and supervision not to exceed a total assignment of 100% FTE. School systems with more than 14 and fewer than 18 FTE licensed staff shall employ a part-time, at a minimum of .10 FTE, licensed superintendent. One individual may serve as both superintendent and principal as defined in ARM 10.55.705(1)(a) or (1)(b);~~

~~(c) A full-time (one FTE) district superintendent shall be employed for any district with 30 or more FTE licensed staff or 551 or more students. School systems with more than 18 and fewer than 31 FTE licensed staff shall employ a half-time (.50 FTE) licensed superintendent. One administrator may serve as both superintendent and principal as defined in ARM 10.55.705(1)(a) or (1)(b);~~

~~(d) school systems with 31 or more FTE licensed staff shall employ a full-time (1.0 FTE) licensed superintendent who shall devote full time to administration and supervision not to exceed a total assignment of 1.0 FTE.~~

~~(e) No individual superintendent assigned pursuant to the ratios in (1) above may be assigned as more than a 1.0 FTE.~~

~~(2) A combined elementary-high school district, or a county high school district, or an independent elementary school district School systems with 100 or more FTE licensed staff shall employ a full-time curriculum coordinator to supervise the educational program and alignment of standards, assessment, curriculum, instruction, and instructional materials. The curriculum coordinator shall hold a class 3 administrative license. Those districts with less fewer than 100 FTE licensed staff and no full-time curriculum coordinator shall employ the services of a regional curriculum consortium, multi-district collaborative, or interlocal cooperative, or a part-time, designated curriculum coordinator.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.705 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF SCHOOL ADMINISTRATORS/PRINCIPALS (1) School districts shall employ appropriately endorsed school administrators/principals as follows: systems with nine or fewer FTE licensed staff and without a licensed superintendent may use a supervising teacher and the services of the office of the county superintendent to satisfy principal requirements.

(2) The assignment of licensed principals shall be based upon student enrollment and prorated as applicable. Principal assignments are as follows:

(a) for schools in third class elementary districts without a licensed administrator under contract, a supervising teacher and county superintendent will be accepted in satisfaction of administrator requirements for up to eight full-time equivalent (FTE) licensed staff; 0.25 FTE licensed principal shall be assigned to schools with enrollments of 125 to fewer than 175 students;

(b) for schools in districts with an assigned licensed administrator under contract, the following staffing requirements shall apply: 0.50 FTE licensed principal shall be assigned to schools with enrollments of 175 to fewer than 250 students;

(c) 1.0 FTE licensed principal shall be assigned to schools with enrollments of 250 to fewer than 550 students;

(d) 2 FTE licensed principals shall be assigned to schools with enrollments of 550 to fewer than 1050 students;

(e) 3 FTE licensed principals shall be assigned to schools with enrollments of 1050 to fewer than 1550 students;

(f) 4 FTE licensed principals shall be assigned to schools with enrollments of 1550 to fewer than 2050 students;

(g) 5 FTE licensed principals shall be assigned to schools with enrollments of 2050 or more students.

(3) No individual principal assigned pursuant to the ratios in (2) above may be assigned as more than a 1.0 FTE.

~~(i) .5 FTE principal for schools with more than eight and less than 18 FTE licensed staff. A district may satisfy the FTE requirements of this subsection for a school under this circumstance by prorating the assignment of building administrators in other buildings of the district, so long as the number of licensed FTE staff for whom each administrator is responsible is not more than 29 and so long as the number of students for whom each administrator is responsible is not more than 550;~~

~~(ii) one FTE principal for schools with 18-29 FTE licensed staff or 250-550 students;~~

~~(iii) two FTE administrators/principals for schools with 551-1050 students;~~

~~(iv) three FTE administrators/principals for schools with 1051-1550 students;~~

~~(v) four FTE administrators/principals for schools with 1551-2050 students;~~

and

~~(vi) five FTE administrators/principals for schools with 2051 or more students.~~

(2) (4) In a schools that requires two or more FTE administrators/principals, at least one individual shall be appropriately endorsed as principal. At least a second administrator shall have an administrative endorsement(s) at the appropriate level(s) and in the area(s) that accurately reflects the administrator's supervisory responsibilities. For example, a school may assign a properly licensed and endorsed curriculum coordinators to supervise the appropriate instructional programs. No individual administrator assigned pursuant to the ratios in ARM 10.55.705(2) may be assigned as more than a 1.0 FTE.

~~(3) In schools with at least three FTE school administrators who are administratively endorsed, release time of department coordinators or chairpersons may be counted toward additional school administration. Department coordinators or chairpersons counted toward school administration may observe and supervise but shall not formally evaluate classroom instruction.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.706 TEACHER INVOLVEMENT (1) Teachers should use their professional judgment to deliver high-quality instruction to all students based on individual need.

~~(4) (2)~~ Teachers shall be involved in curriculum development and student assessments and in the promotion of a school climate that enhances student learning, achievement, and well-being.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.707 TEACHER AND SPECIALIST LICENSURE (1) Teachers and specialists shall hold Montana teaching licenses. be:

(a) appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or

(b) considered appropriately assigned if enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of (NEW RULE I).

(2) The school district shall arrange for a licensed and endorsed teacher in the content area to provide periodic support to the intern.

(3) School psychologists shall be licensed under ARM 10.57.432(1) or 10.57.433 and 10.57.434, or considered appropriately assigned if they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of (NEW RULE 1).

(4) School counselors shall be:

(a) licensed under ARM 10.57.432(2) or 10.57.433 and 10.57.435, or

(b) considered appropriately assigned if they hold a Class 1 or 2 license and are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of (NEW RULE I).

~~(2) An emergency authorization of employment is not a valid license; it is granted to a district which, under emergency conditions, cannot secure the services of a licensed teacher.~~

~~(3) All school psychologists must be licensed with a class 6 specialist license.~~

~~(4) Licensed teachers and school counselors who are enrolled in Board of Public Education approved internship programs according to the following provisions shall be considered appropriately assigned when teaching or serving in the internship area.~~

~~(a) Only an accredited educator preparation institution located within the boundaries of the state of Montana shall be eligible to operate an approved endorsement area internship program.~~

~~(b) Only a currently licensed Montana teacher enrolled in an approved endorsement area internship program shall be considered appropriately assigned when teaching or serving in the endorsement area within three years following the date of initial enrollment.~~

~~(c) An educator preparation program shall obtain approval of the Board of Public Education prior to placing interns in positions in local school districts in the state of Montana. In order to gain approval, the program must:~~

~~(i) file an application with the Board of Public Education;~~

~~(ii) include a model plan for preparation of interns prior to placement that shall include, at a minimum, completion of or enrollment in six semester credits of study in the endorsement field the teacher is pursuing;~~

~~(iii) appoint a faculty member responsible for ensuring compliance with all program requirements by interns enrolled in the program, which shall include, as a minimum, an on-site visit to each school district in which an intern is placed at least once during the term of the internship.~~

April 30, 2012

~~(d) All interns placed in a school district shall receive an appropriate level of periodic supervision and training by a licensed teacher who is currently endorsed in the intern's prospective endorsement area.~~

(5) All personnel whose qualifications are not outlined in the certification standards ARM Chapter 57 must have a license issued by the appropriate state or federal licensing agent or national registry if required by the existing rules and regulations.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA;

10.55.708 TEACHING ASSIGNMENTS (1) Teachers shall be assigned at the levels and in the subjects for which ~~their certificates~~ they are licensed and endorsed. ~~Exceptions are:~~

~~(a) individuals serving in internship positions approved by the Board of Public Education unless enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of (NEW RULE I).~~

~~(b) (2) teachers~~ Teachers assigned in grade 5 or 6 in the departmentalized classroom or middle school, who hold a 5-12 secondary ~~certificate license~~, must be endorsed in the subjects they are teaching. A 5-12 ~~certificate license~~ will not cover a grade 5 or 6 assignment in a self-contained K-8 classroom; and

~~(c) (3) clarifications~~ Clarifications of teaching assignments in grades 5 through 12 departmentalized settings are published in Appendix A of the "Montana School Accreditation Standards and Procedures Manual" adopted ~~November 2000~~ June 2005.

~~(2) Certification~~ (4) Licensure at the elementary level entitles the holder to teach in grades K through 8.

~~(3) (5)~~ No teacher shall have more than 28 hours of assigned student responsibility per week except for one-, two-, and three-teacher schools.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.709 LIBRARY MEDIA SERVICES, K-12 (1) The school library shall be housed in a central location, and each school shall have a ~~full-time or part-time certified school~~ licensed and endorsed library media ~~specialist with a K-12 library media endorsement~~ at the following ratio:

- (a) .5 FTE for schools with 126-250 students;
- (b) 1 FTE for schools with 251-500 students;
- (c) 1.5 FTE for schools with 501-1000 students;
- (d) 2 FTE for schools with 1001-1500 students;
- (e) 2.5 FTE for schools with 1501-2000 students;
- (f) 3 FTE for schools with 2001 or more students.

(2) ~~Schools or districts of fewer than 125 students shall employ or contract with a certified, licensed and endorsed school library media specialist, or seek alternative ways to provide library media services, using certified personnel. For example, they may contract for services or receive services from a regional, certified~~



~~library media specialist provided through joint efforts of adjacent districts and/or counties. . If a district has fewer than 125 students, the district may utilize a consortium, multi-district agreement, or interlocal cooperative to secure these services.~~

- ~~(a) Alternative services shall include:~~
  - ~~(i) instruction in library media skills;~~
  - ~~(ii) administration of a library media program that meets the district's instructional goals;~~
  - ~~(iii) collection, development and management;~~
  - ~~(iv) reader assistance;~~
  - ~~(v) library media collection management; and~~
  - ~~(vi) inservice in the use of new resources and equipment.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.710 ASSIGNMENT OF SCHOOL COUNSELING STAFF (1) A minimum equivalent of one full-time counselor for each 400 elementary (K-8) students shall be provided. The counselor/student ratio shall be prorated.

(2) A minimum equivalent of one full-time counselor for each 400 high school students (including grades 7 and 8 if high school funding is received) shall be provided. The counselor/student ratio shall be prorated.

(3) ~~Schools and/or Districts~~ with fewer than 125 students shall: may  
(a) employ or contract with a licensed, endorsed school counselor or class 6 specialist; or utilize a consortium, multi-district agreement, or interlocal cooperative to secure these services.

~~(b) seek alternative ways to provide counseling services and meet the required school counseling program goals using licensed personnel. For example, they may contract for services or receive services from a licensed school counselor or class 6 specialist provided through joint efforts of adjacent districts and/or counties.~~

~~(i) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the Superintendent of Public Instruction and seek approval from the Board of Public Education.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.711 GENERAL: CLASS SIZE AND TEACHER LOAD (1) These standards do not require a minimum class size at any grade level or for any subject offered. One ~~pupil~~ student may be considered a class.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.712 CLASS SIZE: ELEMENTARY (1) In single grade rooms, the maximum class size shall be:

- (a) no more than 20 students in kindergarten and grades 1 and 2;
- (b) no more than 28 students in grades 3 and 4;
- (c) no more than 30 students in grades 5 through 8.
- (2) In multigrade classrooms, the maximum class size shall be:
  - (a) no more than 20 students in grades K, 1, 2, and 3;
  - (b) no more than 24 students in grades 4, 5, and 6;
  - (c) no more than 26 students in grades 7 and 8.
- (3) Multigrade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade.
- (4) In one-teacher schools, the maximum class size shall be 18 students.
- (5) Instructional aides are mandatory when class size or teacher load exceed the standards. An instructional aide shall be assigned a minimum of 1 1/2 hours per day, per student overload up to six hours.
- (6) An overload of five students per classroom is considered excessive.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.713 TEACHER LOAD AND CLASS SIZE: HIGH SCHOOL, JUNIOR HIGH, MIDDLE SCHOOL, AND GRADES 7 AND 8 BUDGETED FUNDED AT HIGH SCHOOL RATES (1) ~~In addition to the school administrator, the school shall employ a sufficient number of certified FTEs to allow for varying instructional patterns including, but not limited to teaming, core curriculum and departmentalization.~~ Each program offered shall have properly be staffed by appropriately licensed and endorsed FTE(s) educators.

- (2) Individual class size shall not exceed 30 students.
  - (a) Class size limits do not apply to instrumental music or choral groups.
  - (b) Laboratory/studio, e.g., science, art, PE, career & technical education, class size shall be limited for safety purposes. The number of students shall be determined through consultation with the teacher, considering the number, size and use of laboratory stations.
- (3) The number of students assigned a teacher per day shall not exceed 150.
  - (a) Study hall, regardless of size, shall be counted at 15 students.
  - (b) Student limits do not apply to instrumental music or choral groups.
  - (c) Library, guidance, and study hall duties are assigned student responsibilities. However, in cases where a teacher is assigned full time in these areas, the assignment may be for the entire day.
- (4) Teachers with a significant writing program, as determined by the local board of trustees, shall have a maximum load of 100 students.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA;

10.55.714 PROFESSIONAL DEVELOPMENT (1) ~~By definition,~~ Professional development:

- (a) shall be aligned with district educational goals and objectives;

~~(a)~~ (b) focuses on teachers as central to student learning, yet and includes all other members of the school community;

~~(b)~~ (c) focuses on individual, collegial, and organizational improvement;

~~(c)~~ (d) respects and nurtures the intellectual and leadership capacity of teachers, principals, and others in the school community;

~~(d)~~ (e) reflects proven research and practice in teaching, learning, and leadership;

~~(e)~~ (f) enables teachers to develop further experience in subject content, teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

~~(f)~~ (g) promotes continuous inquiry and improvement embedded in the daily life of schools;

~~(g)~~ (h) is ongoing and sustained;

~~(h)~~ (i) is planned collaboratively by those who will participate in and facilitate that development;

~~(i)~~ (j) requires substantial time and other resources;

~~(j)~~ (k) is driven by a coherent long-term plan; and

~~(k)~~ (l) is evaluated ultimately on the basis of its impact of professional development on teacher effectiveness and student learning, and the results of this assessment guides subsequent professional development efforts.

(2) Teachers and specialists shall annually complete professional development pursuant to the requirements of 20-1-304 and 20-4-304, MCA, including a minimum of three pupil instruction related (PIR) days dedicated exclusively to professional development.

(a) A professional development PIR day shall constitute six hours of contact time.

(b) A school district may divide a professional development PIR day into no fewer than two-hour blocks of contact time.

(c) A professional development block may be held on the same day as a pupil instruction day, but a school district shall not schedule a professional development PIR day to convene simultaneously with a pupil instruction day.

~~(3) School district~~ The local board of trustees shall establish an advisory committee to evaluate the school district's current school year professional development plan; and develop and recommend a plan for the subsequent school year.

(a) The advisory committee shall include, but not be limited to, trustees, administrators, and teachers. A majority of the committee shall be teachers.

(b) Each school year, ~~school district~~ the local board of trustees shall adopt a professional development plan for the subsequent school year based on the recommendation of the advisory committee.

(c) The plan recommended by the advisory committee and adopted by the ~~school district~~ local board of trustees shall outline how, when, and from whom teachers and specialists shall meet their professional development PIR day expectations.

(d) ~~Although the advisory committee's recommendation is advisory, the~~ The plan adopted by the school district local board of trustees must take into consideration the advisory committee's recommendations and include two

professional development PIR days in October during which schools must close in order to permit teachers and specialists to attend the annual professional development meetings of state professional associations.

(e) The adopted plan may include alternatives but shall not interfere with or prohibit teacher and specialist attendance at the annual October professional development meetings of state professional associations.

(f) Teachers and specialists who do not attend the annual professional development October meetings of state professional associations or school district plan approved alternative professional development PIR days shall not be paid for the days they are absent.

(g) Teachers, specialists, administrators, and school districts shall not substitute for professional development PIR day purposes professional development opportunities not specifically outlined in the school district's adopted professional development plan.

(h) ~~School district~~ The local board of trustees shall ~~file their adopted professional development plan with the Office of Public Instruction and make their plan available to employees and the public.~~

AUTH: 20-2-114, MCA

IMP: 20-1-304, 20-2-121, MCA

10.55.715 INSTRUCTIONAL AIDES PARAPROFESSIONALS:  
QUALIFICATIONS AND SUPERVISION (1) ~~Instructional aides need not be certified; however, the following supervision is required:~~paraprofessionals

(a) ~~Instructional aides assigned due to classroom size or diversity shall be under the direct supervision of a certified licensed teacher. This means that the aide shall be supervised by a certified teacher who is responsible for instruction and assessment of students. The supervising teacher shall be available while the aide~~ instructional paraprofessional is fulfilling his/ or her responsibilities and shall not be simultaneously assigned to another teaching duty or preparation time.

(b) ~~Instructional aides~~ paraprofessionals assigned to assist students with special education needs shall be under the supervision of the teacher or other professional designated as primarily responsible for instructional planning for the student. The designated professional has the responsibility to provide regularly scheduled communication and direction to the instructional aide paraprofessional and not to delegate any activity to the instructional aide paraprofessional that requires professional skill, knowledge and judgment.

(c) ~~Instructional aides~~ paraprofessionals assigned to assist students in gaining specialized knowledge not generally available from a properly endorsed teacher shall be supervised by a teacher certified licensed at the proper level. The supervising teacher is responsible for instruction and assessment of students and shall not be simultaneously assigned to another teaching duty or preparation time.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.716 SUBSTITUTE TEACHERS (1) Substitute teachers may be used for extended teacher absences under the following conditions:

(a) In cases where a regular, licensed teacher under contract is temporarily unable, by reason of illness or for other reasons approved by the ~~school district~~ local board of trustees, to fulfill the teacher's duties, substitute teachers may be employed to carry on the duties of that teacher's position for a period not to exceed 35 consecutive teaching days. Such substitutes need not hold a current license, but preference shall be given to those substitutes who are properly licensed.

(b) If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the substitute may be placed under contract if licensed or the local board of trustees shall place a licensed teacher under contract. If the local board of trustees makes a written declaration to the Superintendent of Public Instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of ARM 10.57.107.

(2) Any nonlicensed substitute teacher shall complete a minimum of three hours of training, as approved by the ~~school district~~ local board of trustees.

(3) Any nonlicensed substitute teacher must have received a high school diploma or have attained a passing score on the general education development assessment.

(4) A district that employs a nonlicensed substitute teacher must conduct a fingerprint-based background check of that individual according to the following procedures:

(a) The nonlicensed substitute teacher must present a complete set of fingerprints to a qualified law enforcement agency to be submitted to the school district.

(b) The district shall not employ the nonlicensed substitute teacher until state and federal authorities have reported the results of the background check or until the district has conducted a reference check of the individual.

(c) The district shall may accept the report of a previous fingerprint-based background check if it is submitted by a Montana university or college for a student currently or formerly enrolled in an accredited Montana professional educator program or from a public or non-public state accredited school that previously employed the substitute. The report shall not be accepted if it was completed more than two years prior to the date of submission.

(d) The district shall consider the information obtained from the results of the fingerprint-based background check under the provisions of Title 37, chapter 1, part 2, MCA, governing the licensure of criminal offenders and under 20-4-110, MCA. Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the district as grounds for removal from the classroom if the conviction was for a sexual offense, theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.

(5) Sections (2), (3), and (4) may be waived by the local board of trustees trustees in whole or in part, if the nonlicensed substitute has previous teaching or substitute teaching experience in an Montana accredited public school in ~~Montana~~ prior to November 28, 2002 and who has continued to substitute yearly thereafter.

AUTH: 20-4-102, MCA

IMP: 20-4-102, MCA

10.55.717 ASSIGNMENT OF PERSONS PROVIDING INSTRUCTION TO BRAILLE STUDENTS (1) No ~~certified~~ licensed or classified employee of a school district, cooperative, or any contracted service provider shall be assigned to provide instruction of Braille to a student or produce Braille materials who has not demonstrated competency in "contracted" (grade two) standard literary Braille code by:

(a) successful completion of the National Literary Braille Competency Test;  
or

(b) successful completion of the Braille competency test developed by Portland State University (Braille Literacy Usage Exam); or

(c) successful completion of Library of Congress transcriber's certificate; or

(d) successful completion of a program, for teaching visually impaired students, from an accredited college or university.

(2) The employing agency (school district and/or cooperative) is responsible for monitoring appropriate assignment of personnel under (1).

(3) Any person under (1) shall have two years, from the date that the individual has been initially assigned to provide instruction in Braille or to produce Braille materials, to successfully pass the testing requirements.

(4) A person who has met the requirements of (1) shall maintain their facility with "contracted" (grade two) standard literary Braille code through continuing education opportunities.

(5) For the purposes of (4), an approved provider of continuing education may include any entity approved by the Montana Office of Public Instruction and/or the Montana Board of Education.

(6) Individuals who seek to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals will provide a copy of their documentation to their employing school district.

(7) If a paraprofessional, who has not successfully met the requirements found in (1), is assigned to work with a student who has a visual impairment, the paraprofessional will be supervised by the district's special education teacher in collaboration with a teacher of the visually impaired who holds a credential from an accredited university. In addition, the assigned paraprofessional and the school district shall meet the requirements contained in (1) within two years of the date a student with a visual impairment has been identified as in need of Braille instruction and/or materials.

AUTH: 20-2-114, MCA

IMP: 20-1-121, 20-7-475, MCA

10.55.718 ASSIGNMENT OF PERSONS PROVIDING SIGN LANGUAGE INTERPRETING FOR STUDENTS WHO ARE DEAF OR HARD OF HEARING

(1) Effective July 1, 2011, and notwithstanding (3), no licensed or classified employee of any school district, cooperative, or contracted service provider shall be regularly assigned to provide educational sign language interpreting for a student(s) unless the employee has demonstrated skills and knowledge, at a 3.5 level or higher, on the Educational Interpreter Performance Assessment (EIPA) and passed the written portion of the Educational Interpreter Performance Assessment.

(2) Substitute employees of any school district, cooperative, or contracted service provider temporarily assigned to provide educational sign language interpreting for a student(s) for a period longer than 35 consecutive teaching days shall meet the standard in (1).

(3) An employee who has not met the qualifications in (1), but who has demonstrated a competency level of 2.5 or higher on the EIPA or a score commensurate with a competency level of 2.5 or higher on the EIPA Pre-Hire Assessment, may be assigned to provide educational sign language interpreting services. Such individuals shall have three years, from date of initial assignment, or the effective date of this rule, to demonstrate competency as described in (1).

(4) The employing entity (school district, cooperative, or contracting service provider) is responsible for providing appropriate assignment of personnel (directly) and/or use of appropriate technologies.

(5) Employees who have met the requirements in (1) and who seek to remain eligible to work as educational sign language interpreters are responsible for documenting a completion of 12 clock hours of professional development and/or Office of Public Instruction renewal units per calendar year related to the improvement of educational interpreting, performance, and knowledge skills. Such individuals will provide documentation of completion to their employing school district, cooperative, or contracting agency.

(6) For purposes of (5), approved providers of continuing educational opportunities shall include any entity approved by the Montana Office of Public Instruction or the Montana Board of Public Education.

AUTH: 20-2-121, MCA

IMP: 20-2-121, MCA

NEW RULE II (10.55.719) STUDENT PROTECTION PROCEDURES (1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) causes student physical or emotional harm, damages a student's property or places a reasonable fear of harm to the student or the student's property;

(b) substantially and materially interferes with access to an educational opportunity or benefit; or

(c) substantially and materially disrupts the orderly operation of the school.

(2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).

(3) "Persistent" as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.

April 30, 2012

- (4) The behavior prohibited in (1) includes but is not limited to conduct:
  - (a) in a classroom or other location on school premises;
  - (b) during any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or
  - (c) through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.
- (5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:
  - (a) a prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;
  - (b) a procedure for reporting and documenting reported acts of behavior prohibited under (1);
  - (c) a procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;
  - (d) a procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;
  - (e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;
  - (f) a procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior;
  - (g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and
  - (h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.

10.55.801 SCHOOL CLIMATE (1) The local board of trustees shall:  
~~(a) encourage cooperative and harmonious relationships among staff, students, parents, trustees, and community;~~  
~~(b) determine whether or not its staff turnover is excessive and, if it is, the reasons why;~~  
~~(d)~~ (a) develop policies, procedures, and rules that respect the rights of all learners, promote an awareness of and concern for the well-being of others, and address bullying, intimidation, and harassment of students and school personnel  
~~(e)~~ (b) create teaching and learning conditions that meet the district's educational goals and ~~attract~~ recruit and maintain a quality staff;  
~~(e)~~ (c) offer programs and services which, in content and presentation, endeavor to be free of stereotyping in terms of age, sex, religion, race, national origin, or handicapping condition;



(f) (d) provide programs and services that meet the needs of students which the school has identified as at-risk;

(g) (e) inform students, parents, families, and guardians of the school's expectations and of students' rights and responsibilities;

(h) (f) encourage students to take responsibility for their education, including preparing for and participating in class and school activities, taking full advantage of learning services provided, helping design their educational goals, and conducting themselves respectfully and appropriately;

(i) (g) encourage the active involvement of parents, families and guardians in their children's education and in their school; and

(j) (h) provide opportunities for parents, families, guardians, educators, and members of the community to take active roles in developing and reviewing district and school educational goals.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.802 OPPORTUNITY AND EDUCATIONAL EQUITY (1) It is the purpose of the accreditation standards to guarantee equality of educational opportunity and to respect the dignity of every to each person regardless of race, color, sex, race, marital status, national origin, or physical or mental disability culture, social origin or condition, or political or religious ideas, with prejudice toward none. This includes programs, facilities, ~~textbooks~~ educational materials, curriculum, counseling, library services, and extracurricular activities.

AUTH: Montana Constitution, Article II, Section 4, 20-2-114, MCA

IMP: Montana Constitution, Article II, Section 4, 20-2-121, MCA;

10.55.803 LEARNER ACCESS (1) Equal opportunity to learn is a primary consideration of all program areas, at all levels. In order to integrate this concept throughout the education program, the local board of trustees shall develop and implement processes for assessing the educational needs of its students.

(2) In ~~developing curricula~~ implementing curriculum in all program areas, the local board of trustees shall:

(a) provide learning experiences matched to students' interests, readiness, and learning styles;

(b) ~~take into account~~ recognize individual and cultural diversity and differences among learners, including American Indians. Cultural and language differences should be viewed as valuable and enriching resources and should take into account the unique needs of American Indian students and other minority groups;

(c) ~~develop an understanding of the~~ ensure integration of the history, values contemporary portrayals, and contributions of Montana's American Indians, with an emphasis on Montana Indians, for all students, across all content areas;

(d) provide learning resources that are relevant, culturally ~~relevant~~, inclusive, and current;

(e) provide opportunities for individual self-direction and decision making;

- (f) provide equal access to learning resources, including technology;
- (g) provide instructional materials ~~which are sequential and compatible with previous and future offerings~~ that support the adopted curricula; and
- (h) provide books and materials that reflect authentic historical and contemporary portrayals of American Indians; and
- (i) (3) The local board of trustees shall identify, using the school's own appropriate criteria, students who may be at risk or in need of special services.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.804 GIFTED AND TALENTED (1) ~~Schools~~ Districts shall provide educational services to gifted and talented students that are commensurate to their needs, and foster a positive self-image.

(2) Each ~~school~~ district shall comply with all federal and state laws and regulations addressing gifted education.

(3) Each ~~school~~ district shall provide structured support and assistance to teachers in identifying and meeting the diverse student needs of gifted and talented students, and shall provide a framework for considering a full range of alternatives for addressing student needs.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.805 SPECIAL EDUCATION (1) Each ~~school~~ district shall ~~comply with all federal and state laws and regulations addressing~~ provide educational programs and services to students eligible to receive special education services as identified under IDEA.

(2) Each ~~school~~ district shall ~~provide structured support and assistance to regular education teachers in identifying and meeting diverse student needs, and shall provide a framework for considering a full range of alternatives for addressing student needs~~ comply with all federal and state laws and regulations addressing special education.

(3) ~~Students with disabilities shall be given opportunities to become confident, dignified, and self-sufficient members of society. Each district shall provide structured support and assistance to regular education teachers in identifying and meeting the diverse needs of students receiving special education services.~~

(4) A student eligible to receive special education services as identified under IDEA and who has successfully completed the goals identified on an individualized education program for high school completion shall be awarded a diploma.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.901 BASIC EDUCATION PROGRAM: ELEMENTARY (1) An elementary school shall have an education program aligned to the program area

standards that enables students to meet the content and performance standards and content specific grade-level learning progressions.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.902 BASIC EDUCATION PROGRAM: MIDDLE GRADES (1) A school with middle grades must have an education program aligned to the program area standards that enables all students to meet the content and performance standards and content specific grade-level learning progressions.

(2) ~~In order to receive funding at the high school rate for~~ The Board of Public Education, upon recommendation of the Superintendent of Public Instruction, may approve a grades 7 and 8, the grade program that must follow either the middle school philosophy and components described in (3) or the departmentalized philosophy and components ~~(often seen in junior high settings)~~ described in (4).

(3) ~~An officially recognized middle school must be approved by the~~ The Board of Public Education, upon recommendation of the Superintendent of Public Instruction, may approve a middle school program that:

(a) ~~A middle school specifically~~ addresses the unique nature of middle-grade children by focusing on their intellectual, social, emotional, and physical development. To put such philosophy into practice, a middle school must have flexibility to:

- (i) approach instruction, scheduling, and teaching in a variety of ways;
- (ii) undertake interdisciplinary work; and
- (iii) plan blocks of coursework deriving from the intellectual, social, emotional, and physical needs of middle school students.

(b) incorporate ~~C~~critical and creative thinking, career awareness, lifelong learning, and safety ~~must be incorporated in the school program.~~

(c) incorporate instruction in reading literacy and writing literacy into all required and elective program areas as required in the Montana Common Core Standards, ARM Title 10, chapter 53.

(d) include, at a minimum, the following program areas, shall be required of all students yearly:

(i) ~~communication~~ English language arts including, but not limited to literature, reading, writing, speaking and listening, media literacy;

(ii) ~~mathematics including, but not limited to written and mental computation and problem solving;~~

(iii) physical and life sciences;

(iv) social studies; and

(v) health enhancement.

~~(e)~~ (e) At a minimum, the middle school curriculum shall maintain in balance the following required program areas:

(i) visual arts including, but not limited to art history, art criticism, aesthetic perception, and production;

(ii) music including, but not limited to general, instrumental, and vocal (emphasizing comprehensive music elements, music history, criticism, aesthetic perception, and musical production);

(iii) ~~vocational~~ career and technical education courses or pathways such as agriculture, business education, family and consumer sciences, health occupations, and industrial arts technology education, and marketing; and

(iv) world languages and cultures.

~~(e)~~ Exploratory courses such as creative writing, dance, drama, financial education, photography, and leadership shall be offered as electives to all students.

(4) A junior high (grades 7-9) or 7-8 school ~~for middle grades~~ must offer an educational program, aligned to the program area standards, that enables all students to meet the content and performance standards and content specific grade-level progressions. ~~The educational program shall be designed to familiarize students with the high school setting and provide content specific instruction.~~

(a) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Common Core Standards, ARM Title 10, Chapter 53.

~~(a)~~ (b) All students shall complete the following program areas each year:

(i) ~~communication arts~~ English language arts--1 unit;

(ii) social studies--1 unit;

(iii) mathematics--1 unit;

(iv) science--1 unit; and

(v) health enhancement--1/2 unit.

(b) All students must be allowed to elect from the following program area offerings:

(i) visual arts--1/2 unit;

(ii) music--1/2 unit;

(iii) ~~vocational career and~~ technical education--1/2 unit; and

(iv) world languages and cultures--1/2 unit.

(c) A unit is defined as the equivalent of at least ~~225~~ 8100 minutes ~~per week~~ for one school year.

(d) Time to pass between classes may be counted toward the standard school day but shall not be counted toward class time.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

#### 10.55.904 BASIC EDUCATION PROGRAM OFFERINGS: HIGH SCHOOL

(1) The basic education program, aligned to the program area standards, for grades 9 through 12 shall be at least 20 units of coursework that enable all students to meet the content and performance standards and content specific grade-level learning progressions.

(2) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Common Core Standards, ARM Title 10, chapter 53.

~~(2)~~ (3) Minimum offerings shall include at least the following:

(a) 4 units of English language arts;

(b) 3 units of mathematics;

(c) 3 units of science;

(d) 3 units of social studies;

- (e) 2 units of ~~vocational/~~ career and technical education;
- (f) 2 units of arts;
- (g) 1 unit of health enhancement;
- (h) 2 units of world languages; and
- (i) 2 units of electives.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.905 GRADUATION REQUIREMENTS (1) As a minimum, a school district's requirements for graduation shall include a total of 20 units of study that enable all students to meet the content ~~and performance~~ standards and content specific grade-level learning progressions.

(2) In order to meet the content and performance standards, the following 13 units shall be part of the 20 units required for all students to graduate:

- (a) 4 units of English language arts;
- (b) 2 units of mathematics;
- (c) 2 units of social studies;
- (d) 2 units of science;
- (e) 1 unit of health enhancement, with 1/2 unit each year for two years;
- (f) 1 unit of arts; and
- (g) 1 unit of ~~vocational/~~ career and technical education.

(3) Units of credit earned in any Montana high school accredited by the Board of Public Education shall be accepted by all Montana high schools.

(4) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.906 HIGH SCHOOL CREDIT (1) A high school shall require a minimum of 20 units of credit for graduation, including ninth grade units. ~~A unit of credit shall be given for satisfactory completion of a full-unit course.~~

(a) A unit of credit is defined as the equivalent of at least ~~225~~ 8100 minutes per week for one year.

(b) Passage of time between classes may be counted toward the standard school day but shall not be counted toward class time.

(2) A student who is unable to attend class for the required amount of time may be given fractional credit for partial completion of a course, with the local ~~administrator's~~ board of trustee's permission.

(3) ~~Each governing authority~~ The local board of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.

(4) With the permission of the ~~school district~~ local board of trustees, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the district's

curriculum and assessment requirements, which are aligned with the content and performance standards stated in the education program. Examples of possible acceptable course work include those delivered through correspondence, and extension courses, and distance learning courses, adult education, summer school, work study, specially designed courses, and challenges to current courses. Any acceptable programs must be consistent with the local board of trustees' policy.

(a) Any Montana high schools shall accept such units of credit taken with the approval of the accredited Montana high school in which the student was then enrolled and which appear on the student's official transcript.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED LEARNING (1) This rule establishes requirements for distance, online, and technology delivered learning programs and/or courses that fulfill elementary or middle grades basic education programs and/or high school graduation requirements.

(2) School districts may receive and/or provide distance, online, and technology delivered learning programs.

a) School districts receiving distance, online, and technology delivered learning programs to supplement instruction may utilize distance, online, and technology delivered learning as they would other supplementary resources without restriction.

(b) Distance, online, and technology delivered learning programs and/or courses shall ~~meet the learner expectations adopted by the school district and~~ at a minimum be aligned with state content and performance standards and content specific grade-level learning progressions.

(c) Annually, by the first Monday in June, a school district shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs all distance, online and technology delivered courses, student enrollments, and the digital content providers.

(3) Except as provided in (3)(a), teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed in Montana or elsewhere in the area of instruction taught with such license granted as a result of the completion of an accredited professional educator preparation program as defined in ARM 10.57.102(3). School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator for each course and available to the students.

(a) When a teacher of distance, online, and technology delivered learning programs and/or courses does not possess the qualifications specified in (3), the facilitator must be licensed and endorsed in Montana or elsewhere in the area of instruction facilitated with such license granted as a result of the completion of an accredited professional educator preparation program as defined in ARM 10.57.102(3).

~~(i) The provisions of (3) and (3)(a) shall not be effective until July 1, 2009.~~

(b) When a teacher of distance, online, and technology delivered learning programs is qualified as provided in (3), the receiving school district's facilitator shall be a licensed teacher or a para-educator.

(c) School districts receiving distance, online, and technology delivered learning programs and/or courses must provide qualified facilitators for synchronous delivery to students in schools accredited by the Montana Board of Public Education, requiring physical presence of a facilitator, and for asynchronous delivery, requiring facilitators be available to students.

(d) The school district must ensure that the distance, online, and technology delivered learning facilitators receive in-service training on technology delivered instruction ~~pertaining to:~~

~~(i) the course organization;~~

~~(ii) classroom management;~~

~~(iii) technical aspects of the delivery method;~~

~~(iv) strategies for use of distance learning;~~

~~(v) monitoring of student testing;~~

~~(vi) and securing other services as needed.~~

(4) Montana school districts providing distance, online and technology delivered learning shall comply with the teacher load requirements of ARM 10.55.713(3).

~~(5) All providers or coordinating entities of distance, online, and technology delivered learning programs shall annually, no later than October 1: Digital content providers serving Montana schools accredited by the Board of Public Education shall:~~

~~(a) annually, by the first Monday in August, register with the Office of Public Instruction;~~

~~(b) annually, by the first Monday in June, identify all the Montana school districts to whom they are providing distance, online, and technology delivered programs and/or courses served in the current school year by the digital content provider, including the courses and student enrollments for each school district served; and~~

~~(c) document the professional qualifications, including Montana teacher licensure and endorsement, of their teachers of distance, online, and technology delivered programs and/or courses; by providing names and credentials of other licensing entities, when not licensed and endorsed in Montana.~~

~~(d) provide the course description including the content and delivery model for each distance, online, and technology delivered program and/or course provided to Montana schools; and~~

~~(e) demonstrate that the students they serve have ongoing contact with their teachers of distance, online, and technology delivered learning programs and/or courses.~~

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.908 SCHOOL FACILITIES (1) School facilities shall be constructed, maintained, and supervised in accordance with all applicable local, state and ~~national~~ federal codes, regulations, and laws.

(2) School facilities shall be of sufficient size and arrangement to meet all programs' educational goals.

(3) The local board of trustees shall provide for educational facilities which are ~~pleasant~~ functional and ~~reasonably~~ safe for the conduct of the educational and extracurricular activities of students, and which will meet federal accessibility standards.

(4) The school shall provide the necessary equipment for ~~emergency nursing care and~~ first aid.

(5) When the local board of trustees considers major remodeling or building a facility, it shall seek facility expertise in all affected program areas as well as comments from faculty, students, and community.

(6) The local board of trustees shall have ~~in-writing~~ a written policy that defines the use of school facilities and resources.

AUTH: 20-2-114, MCA

IMP: 20-2-121, MCA

10.55.909 STUDENT RECORDS (1) Each school shall keep, in secure storage, a permanent file of students' records, that shall include:

- (a) the name and address of the student;
- (b) his/her parent or guardian;
- (c) birth date;
- (d) academic work completed;
- (e) level of achievement (grades, standardized achievement tests);
- (f) immunization records as per 20-5-406, MCA;
- (g) attendance data; and
- (h) the statewide student identifier assigned by the Office of Public Instruction.

(2) The local board of trustees shall establish policies and procedures for the use and transfer of student records that are in compliance with 20-1-213, MCA, and state and federal laws governing individual privacy. All educational records collected and maintained by a school shall be kept in a confidential manner according to the implementing regulations of the Family Educational Rights and Privacy Act (FERPA) at 34 CFR part 99.

(3) The local board of trustees shall develop a process for destruction of records pursuant to 20-1-212, MCA, including non-permanent student records. Non-permanent student records are records retained in a central file maintained by the school containing a student's cumulative educational records which are not retained as a student's permanent record detailed in (1).

~~(3)~~ (4) All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official.

AUTH: 20-2-114, 20-1-213, MCA

IMP: 20-2-121, MCA



10.55.910 STUDENT DISCIPLINE RECORDS (1) Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When a local board of trustees takes disciplinary action against a student, the board must take detailed minutes of the action taken against the student, with explanation, even if the disciplinary action is decided during a closed meeting and the minutes are not subject to public disclosure. For the purpose of this rule, a disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student. This record must be maintained consistent with Montana Local Government Records Schedule 7, and is subject to transfer to a local educational agency, or accredited school, or pursuant to 10-1-213(4), MCA. ~~Upon request, a copy of this record shall be sent to a nonpublic school pursuant to 20-1-213(7), MCA, and the No Child Left Behind Act, 20 USC 6301.~~

AUTH: 20-2-114, MCA

IMP: 20-1-213, 20-2-121, MCA

10.55.1001 DISTRICT'S RESPONSIBILITIES FOR PROGRAM DELIVERY STANDARDS (1) ~~It is the school district's local board of trustees' responsibility to incorporate~~ ensure the district's curricula align with the state content and performance standards into its curriculum, implementing them sequentially and content specific grade-level learning progressions.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

10.55.1003 PROGRAM FOUNDATION STANDARDS (1) The purpose of all programs is to develop and apply knowledge and skills necessary to pursue lifelong goals and opportunities.

(2) Program foundation standards are the common conditions, and practices, ~~and resources that cross~~ will be evident in all programs within a school system to ensure that all students have educational opportunity to learn, develop, and demonstrate learning to in the content and performance standards and content specific grade-level learning progressions. All programs shall follow the content and performance standards in the accreditation rules of Montana. ~~In addition, all programs shall work to~~ The local board of trustees shall:

(a) meet the following conditions:

(i) ~~incorporate in curricular programs the distinct and unique cultural heritage of American Indians~~ ensure integration of the history, contemporary portrayals, and contributions of American Indians, with an emphasis on Montana Indians, for all students, across all content areas;

(ii) ~~provide effective health enhancement instruction to all grades and to provide such instruction on a daily basis as part of the basic elementary education program;~~

~~(iii) provide physically, emotionally, and educationally safe and supportive learning and working environments, including environments free from bullying, intimidation and harassment;~~

~~(iv) (ii) ensure an educational climate that promotes academic freedom and respect for diversity (e.g., gender, race, ethnicity, economic status, native language, disability, special gift and talent) with prejudice toward none;~~

~~(v) (iii) maintain high expectations for student performance, and behavior, and challenge every student at his/her level of need that stimulates a desire for lifelong learning; and~~

~~(vi) (iv) encourage collaboration among school personnel to plan, assess, and support instruction; and~~

~~(vii) build school calendars and schedules based upon instructional needs.~~

~~(b) include the following practices:~~

~~(i) align local curricula with the Montana content and performance standards;~~

~~(ii) offer engaging and relevant experiences that enable students to develop effective communication skills for fulfillment in their personal lives, workplaces, and communities;~~

~~(iii) teach ethical behavior, including use of technology (social media) and the implications of one's choices;~~

~~(iv) (iii) implement research-based instructional skills and strategies to improve student learning;~~

~~(iv) encourage the use of the inquiry process and the application of multiple thinking, decision-making, and problem-solving skills challenge students to think creatively and critically, and use the inquiry process to solve problems and make informed decisions;~~

~~(vi) emphasize common unifying themes or principles that build on students' prior experiences encourage interdisciplinary instruction;~~

~~(vii) provide learning experiences that connect the disciplines and transfer learning from one context to another use all relevant data to inform decision making modify instruction and to increase student learning; and~~

~~(viii) integrate information literacy skills, technology tools, and workplace competencies to support learning in all curricular areas; and~~

~~(c) provide the following resources:~~

~~(i) access to regional, community, and school-based resources for teaching and learning;~~

~~(ii) qualified staff necessary to support the instructional process, including elementary teachers (00 endorsement) with at least ten semester credits in assigned subject areas when teaching departmentalized grades 5-8;~~

~~(viii) provide equitable access to all facilities, technology, equipment, materials, and services necessary to support the instructional process; and~~

~~(iv) time for professional development that supports learning for all;~~

~~(v) a well-conceived mentoring program for teachers in the first three years of teaching; and~~

~~(vi) access to a variety of current technologies and information resources (e.g., libraries, databases, computer networks, videos).~~

AUTH: 20-2-114, MCA

MAR Notice No. 10-55-261

IMP: 20-2-121, 20-3-106, 20-7-101, MCA;



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## Chapter 55

### Revisions of Joint Task Force Recommendations

D – Deleted, G – Grammatical, M – Moved, N – New Rule or Language, O – Other  
(in order by rule number)

- |  |  |
|--|--|
| <p>G – 10.55.601(2), (3)(a), (3)(a)(i), (3)(a)(ii), (3)(a)(iv), (3)(b), (3)(c), (4), (5)</p> <p>D – 10.55.601(6)</p> <p>G – 10.66.602 Definitions of: Accreditation, Asynchronous, Combined elementary-high school district, Digital Content Provider, Instructional Paraprofessional, Internship, Principal, Pupil Instruction day, Pupil Instruction-related (PIR)day, School, School District, School System, Specialist, Student Performance Standards</p> <p>D – 10.55.602 Definitions: Aggregate Hours, Deviation</p> <p>N – 10.55.602 Definitions: Assurance Standards, Corrective plan, Indian Education For All, Intensive Assistance, Middle Grades</p> <p>N – 10.55.603(2)</p> <p>M – 10.55.603(1)(a-b) to (3)(a-b)</p> <p>G, M – 10.55.603(2)(a-d) to (4)(a-d)</p> <p>G, M – 10.55.603(3)(a-d) to (5)(a-d)</p> <p>O – 10.55.604</p> <p>G – 10.55.605(1)(a)</p> <p>D – 10.55.605(1)(b, c, and e)</p> <p>G – 10.55.605(2), (3)</p> <p>M – 10.55.605(4)(b) to (5)</p> <p>M – 10.55.605(b),(c)(i-iii) to 10.55.606</p> <p>G – 10.55.606</p> <p>N – 10.55.607</p> <p>G – 10.55.701 (1)(g), (1)(n)</p> <p>M, G – 10.55.701 (6) to (5)</p> <p>G – 10.55.702 (1)(a), (1)(b)</p> <p>D – 10.55.702 (1)(b)(i-iv) replaced by New Rule 10.55.607</p> <p>G – 10.55.702 (2)</p> <p>G – 10.55.703 (1)(a), (1)(b), (2)</p> | <p>D – 10.55.703 (2)(b)(i-iv) replaced by New Rule 10.55.607</p> <p>G – 10.55.704 (1)</p> <p>N – 10.55.706(1)</p> <p>M – 10.55.706(1) to (2)</p> <p>G – 10.55.707 (1)(a), (1)(b)</p> <p>N – 10.55.707 (3), (4)(a-b), (5)</p> <p>G – 10.55.708(1)(a)</p> <p>M – 10.55.708(1)(b) becomes (2), (1)(c) becomes (3), (2) becomes (4), (3) becomes (5)</p> <p>G – 10.55.710(3)</p> <p>G – 10.55.711(1)</p> <p>G – 10.55.714(1)(b), (3)(d)</p> <p>G – 10.55.715(1), (1)(a)</p> <p>G – 10.55.716(1)(a-b), (2), (4)(c), (5)</p> <p>G – 10.55.719 (1)(a),(2)(h)</p> <p>D – 10.55.801(1)(a-b)</p> <p>G – 10.55.802(1)</p> <p>G – 10.55.803(1), (2)(a), (2)(b), (2)(g)</p> <p>M – 10.55.803(2)(i) to (3)</p> <p>G – 10.55.804(1-3)</p> <p>G – 10.55.805(3)</p> <p>G – 10.55.902(3), (3)(a),(3)(d)</p> <p>O – 10.55.906(1)(a)</p> <p>G – 10.55.906(3), (4)</p> <p>G – 10.55.907(5)(a), (5)(b)</p> <p>G – 10.55.908(1), (5)</p> <p>G – 10.55.909(2)</p> <p>N – 10.55.909(3)</p> <p>M – 10.55.909(3) to (4)</p> <p>G – 10.55.910(1)</p> <p>G – 10.55.1001 Title</p> <p>G – 10.55.1001(1)</p> <p>M – 10.55.1001 2<sup>nd</sup> sentence of (1) to (2)</p> <p>G – 10.55.1003(2)(a)(i), (2)(b)(i), (2)(b)(ii), (2)(b)(vi), (2)(b)(vii)</p> |
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## Chapter 55

### Revisions of Joint Task Force Recommendations

(in order by category and rule number)

#### Deleted Language

10.55.601(6)  
10.55.602 Definitions: Aggregate Hours, Deviation  
10.55.605(1)(b, c, and e)  
10.55.702 (1)(b)(i-iv) replaced by New Rule  
10.55.607  
10.55.703 (2)(b)(i-iv) replaced by New Rule  
10.55.607  
10.55.801(1)(a-b)

#### Grammatical Changes

10.66.602 Definitions of: Accreditation, Asynchronous, Combined elementary-high school district, Digital Content Provider, Instructional Paraprofessional, Internship, Principal, Pupil Instruction day, Pupil Instruction-related (PIR)day, School, School District, School System, Specialist, Student Performance Standards

10.55.601(2), (3)(a), (3)(a)(i), (3)(a)(ii), (3)(a)(iv), (3)(b), (3)(c), (4), (5)

10.55.605(1)(a)  
10.55.605(2), (3)  
10.55.606

10.55.701 (1)(g), (1)(n)

10.55.702 (1)(a), (1)(b)

10.55.702 (2)

10.55.703 (1)(a), (1)(b), (2)

10.55.704 (1)

10.55.707 (1)(a), (1)(b)

10.55.708(1)(a)

10.55.710(3)

10.55.711(1)

10.55.714(1)(b), (3)(d)

10.55.715(1), (1)(a)

10.55.716(1)(a-b), (2), (4)(c), (5)

10.55.719 (1)(a),(2)(h)

10.55.802(1)

10.55.803(1), (2)(a), (2)(b), (2)(g)

10.55.804(1-3)

10.55.805(3)

10.55.902(3), (3)(a),(3)(d)

10.55.906(3), (4)

10.55.907(5)(a), (5)(b)

10.55.908(1), (5)

10.55.909(2)

10.55.910(1)

10.55.1001 Title

10.55.1001(1)

10.55.1003(2)(a)(i), (2)(b)(i), (2)(b)(ii), (2)(b)(vi), (2)(b)(vii)

#### Grammatical Changes and Moved Language

10.55.603(2)(a-d) to (4)(a-d)

10.55.603(3)(a-d) to (5)(a-d)

10.55.701 (6) to (5)

#### Moved Language

10.55.603(1)(a-b) to (3)(a-b)

10.55.605(4)(b) to (5)

10.55.605(b),(c)(i-iii) to 10.55.606

10.55.706(1) to (2)

10.55.708(1)(b) becomes (2), (1)(c) becomes (3), (2) becomes (4), (3) becomes (5)

10.55.803(2)(i) to (3)

10.55.909(3) to (4)

10.55.1001 2<sup>nd</sup> sentence of (1) to (2)

#### New Language or New Rule

10.55.602 Definitions: Assurance Standards, Corrective plan, Indian Education For All, Intensive Assistance, Middle Grades

10.55.603(2)

10.55.607

10.55.706(1)

10.55.707 (3), (4)(a-b), (5)

10.55.909(3)

#### Other Changes

10.55.604

10.55.906(1)(a)

**Standards of Accreditation Chapter 55**  
**Task Force Recommendations**  
**Minority Report Form**

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**Please complete one form per minority issue.**

**Number and Title of Administrative Rule**

**10.55.701(5)**

**Specific rule language, as recommended**

All new language requiring a specific evaluation process for teachers and administrators, as well as the language requiring mentorship and induction programs aligned with this subsection. See the following:

*(5) (4) The board of trustees shall have written policies and procedures for regular and periodic evaluation of all regularly employed certified administrative, supervisory, and teaching personnel. The individual evaluated shall have a written access to a copy of the evaluation instrument, the opportunity to respond in writing to the completed evaluation, and access to his/her files. Personnel files shall be confidential.*

*(a) The evaluation system for licensed teachers used by a school district shall include an assessment of the extent to which the teacher:*

*(i) understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences;*

*(ii) uses understanding of individual differences and diverse cultures and communities, including American Indians and tribes in Montana, to ensure inclusive environments that enable each learner to meet high standards.*

*(iv) understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make the discipline accessible and meaningful for learners to assure mastery of the content;*

*(v) understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues;*

*(vi) understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making;*

*(vii) plans instruction that supports every student in meeting rigorous learning*



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4/23/2012

goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context;

(viii) understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways;

(ix) engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner;

(x) seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession; and

(xi) demonstrates understanding of and ability to integrate history, cultural heritage, and contemporary status of American Indians and tribes in Montana.

(b) The evaluation system for licensed administrators used by a school district shall include an assessment of the extent to which the administrators:

(ii) promotes a positive school culture, provides an effective instructional program, applies best practice to student learning, and designs comprehensive professional growth plans for staff in order to promote the success of all students;

(iii) manages the organization, operations, and resources in a way that promotes a safe, efficient, and effective learning environment in order to promote the success of all students;

(iv) collaborates with faculty, families, and other community members, responds to diverse community interests and needs, including American Indian communities in Montana, and mobilizes community resources in order to promote the success of all students;

(v) acts with integrity, fairness, and in an ethical manner in order to promote the success of all students; and

(vi) understands, responds to, and ethically influences the larger political, social, economic, legal, and cultural context in order to promote the success of all students.

### **Briefly describe the minority issue**

The specificity of this rule extends beyond the proper scope of the Board of Public Education's authority in exercising "general supervision" over the basic system of free quality schools within the meaning of Article X of the Montana Constitution and intrudes on details that should and even must be left to elected school boards exercising supervision and control as authorized by Article X, Section 8 of the Montana Constitution.

Under Montana law, only elected school boards can hire or fire staff. The exclusivity of this power in statute is a reflection of the exclusivity of this power in Article X, Section 8 of the Montana Constitution. By requiring school districts to employ their staff subject to an evaluation process that is mandated by the Board of Public Education, this rule as proposed unconstitutionally infringes on the supervision and control vested in each elected school board in





the state.

In addition to the constitutional issues with this proposed rule change, there was a significant deviation from the process used throughout the Chapter 55 review process when this rule was proposed and adopted by the group. Unlike all other areas of proposed change, which were assigned to and crafted by specific members of the Chapter 55 task force, this evaluation process incorporated in this proposed rule was based on national standards and was incorporated into the task force subcommittee's work and were not crafted with an understanding of or even a contemplation of use in Montana's public schools with our state's strong tradition of community ownership and local control. The Chapter 55 task force did not work with or write this language, but was rather presented with it and validated it without virtually any organized discussion and without formal opportunity for educators across the state affected by these proposed changes to provide any input.

The specificity of the requirements for the evaluation process are such that they will require that every school district in the state open every collective bargaining agreement governing teachers in order to implement the requirements of this rule, as current law requires school districts to bargain any change in working conditions prior to implementation. The disruption that this will cause to school districts cannot be overstated.

Evaluation of performance is at the very heart of working conditions, as an evaluation can be used to remediate performance, impose discipline or even terminate an employee. Additionally, by requiring school districts to bargain static language incorporated into the rule proposal, the Board of Public Education would place school districts between the proverbial rock and a hard place. School districts would have to bargain but would not be able to concede anything in terms of the elements of the evaluation required under the proposed rule. Districts would be forced to go into bargaining with a take it or leave it approach in terms of the required elements of the evaluation required under this rule. Such an approach could be construed as a violation of the duty to bargain in good faith. Alternatively, since a district could not deviate at all from the language required in the proposed rule, it could be placed in a position of having to make concessions on other conditions of employment in order to gain the teachers' acceptance of the language in this rule.

The whole nature of bargaining is to create something together through mutual discussion and collaboration. By requiring the incorporation of detailed specific language from the proposed rule into any collective bargaining agreement, this proposed rule violates these fundamental tenets and will turn the process into a high stakes yes or no answer to the question of whether the evaluation process can be changed. The disruption to harmonious relations between management and labor in school districts statewide can be reasonably predicted to result.

Directly related to the issue above is the Montana Constitution's prohibition on passage of laws and rules that impair vested contract rights. To the extent that existing contracts contain different language on evaluation than the language required under this proposed rule (which would likely be every contract in the state), this rule's requirement of a new evaluation process without any exception for language bargained to the contrary would be unconstitutional and unenforceable. At the very least, the rule should be changed to provide an exception from the evaluation





requirements to the extent that a different evaluation process has been negotiated and incorporated into a binding collective bargaining agreement in order to avoid this constitutional violation.

The costs and complications associated with the process of bargaining changes in the evaluation process alone are staggering. On top of the costs of bargaining these changes into each collective bargaining agreement, school districts will also be obligated to establish mentorship and induction programs aligned with these new standards, and to bargain the implementation of those programs as well, which will further increase the costs and strain relationships between management and labor in Montana's public schools.

For the above reasons, we respectfully urge that the Board not adopt the changes to the referenced rules.

**Task Force Member:** Lance Melton, MTSBA; Dave Puyear, MREA      **Date April 26, 12**



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4/23/2012

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**Please complete one form per minority issue.**

**Number and Title of Administrative Rule**

**10.55.701 5(c)**

**Specific rule language, as recommended**

**Draft Final**

establish teaching and mentoring and induction programs to assist licensed staff in meeting teaching standards as defined in ARM 10.55.701(5).

**Briefly describe the minority issue**

**September Working Documents:**

(c) establish comprehensive multiyear mentoring and induction programs aligned with teaching standards as defined in ARM 10.55.701(5).

**Copied above from the September Working Document is the initial language offered in this section after much discussion. The Draft Final language listed above that is a compromise reached after much discussion.**

**I disagree with the final vote/decision to remove multiyear. Making the decision to attach the programs to the teaching standards and then not indicating that it will require more than one year is misleading. This disagreement is based upon my experience in mentoring and induction programs. Due to the comprehensive nature of the teaching standards it takes more than a year to support or assist teachers in the profession based upon these standards.**

**Task Force Member: Sharon Applegate**

**Date 4/26/2012**



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